THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.13832 OF 1994

Date:14-11-2006

Between:

G.Vidya Sankar Rao (died) per L.Rs …Petitioner

And

The Commissioner of Land Reforms and
Urban Land Ceilings and another …Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.13832 OF 1994

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O R D E R:

This writ petition is filed against the orders passed by the

second respondent dated 05-12-1979 and 16-03-1981 as confirmed by the first respondent vide proceedings dated 31-03-1994.

The entire case of the petitioner before this Court is that even prior to the impugned order dated 05-12-1979, the declarant (petitioner's brother) had died on 09-07-1979 and that, without notice being served either on the deceased declarant or on his legal heirs, the impugned orders came to be passed. It is the case of the petitioner that he had received the notice and, since the declarant's wife and sole child had predeceased the declarant, he was the sole surviving legal heir.

The first respondent, vide his proceedings dated 31-03-1994, without going into this aspect, held that the petitioner has no *locus standi* to prefer the appeal, inasmuch as, he had not adduced any evidence to show that he was the legal heir of the deceased declarant. The fact, however, remains that the impugned proceedings, dated 05-12-1979 and 16-03-1981, were passed without putting either the declarant or his legal heirs on notice and without giving them an opportunity of being heard.

Learned Government Pleader for Revenue, on instructions, would fairly submit that no such notice was served on either the declarant or on his legal heirs. Learned Government Pleader would request that the matter be remanded to the second respondent-Special Officer & Competent Authority to now put the legal heirs of the deceased declarant on notice and pass orders afresh after giving them an opportunity of being heard.

In view of this fair concession of the learned Government Pleader, this Court is not required to adjudicate on the merits of the dispute and it would suffice if the impugned orders are set aside and the matter is remanded to the second respondent to decide the matter

afresh, in accordance with law, after putting the legal heirs of the deceased declarant on notice and after giving them an opportunity of being heard.

The writ petition is disposed of accordingly. There shall, however, be no order as to costs.

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(RAMESH RANGANATHAN,J)

Dated 14th November, 2006
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